

REMARKS

Claims 1-16 are all the claims pending in the application.

I. Rejection of Claims 1, 2, 4, 5, 7-10, 12, 13, 15 and 16

Claims 1, 2, 4, 5, 7-10, 12, 13, 15 and 16 currently stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Soundararajan (U.S. Patent Pub. No. 2003/0084448) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Yuen (U.S. Patent No. 5,488,409).

Claim 1

In the Amendment submitted on January 2, 2009, it was argued that it would not have been obvious to combine Soundararajan, AAPA, and Yuen to produce the invention of claim 1, as alleged by the Examiner. In particular, it was noted that Yuen only generically describes that functions may be entered by a sequence of keys, and thus, Yuen would not provide the requisite motivation to combine Soundararajan and AAPA to provide the content of the selected channel "if the calculated degree for the selected channel does not satisfy the predetermined reference and a predetermined pattern of channel change inputs is received by the user input unit".

In response, the Examiner asserts that in Soundararajan, a channel is tuned only when its calculated weight value (preference degree) meets a certain threshold, and this threshold depends on which control is being applied. The Examiner also asserts that a viewer may select a different control list through a menu. (Soundararajan, paragraph 40). From this, the Examiner concludes that a function must be initiated to change the control list being applied. The Examiner further asserts that Yuen discloses that functions in a set top box can be initiated by entering a sequence

of keys and that it would have been obvious to modify Soundararajan and AAPA to enable the control list to be changed by entering a sequence of keys, rather than navigating through a menu.

Although the Examiner has expanded his reasoning for the combination, Applicant respectfully submits that one skilled in the art would not have been motivated to combine Soundararajan, AAPA, and Yuen to produce the claimed invention. Soundararajan describes that users may manually switch between various controls lists and that a second control list may include additional channels that the first control list did not include. (paragraph 40). Based on this, it is not unreasonable to characterize Soundararajan as using a function to switch control lists, and thus include channels that did not meet the threshold calculated weight value of the first control list. However, Yuen only describes initiating functions by entering sequences of conventional keys, and thus, would not provide requisite motivation to modify Soundararajan and AAPA as the Examiner suggests.

In Yuen, the conventional keys referred to are on an alphanumeric keyboard 32a. That is, the conventional keys are letters or numbers and are not disclosed as linked to any particular function. Instead, Yuen separates the functional keys, such as SEARCH 32b, MODIFY 32c, and ENTER 32d from the alphanumeric keyboard 32a, and does not disclose that a sequence of these functional keys can be used to initiate a function. In Soundararajan, the channel up and channel down buttons on remote control 125 provide the function of proceeding to the next channel.

Accordingly, since Yuen does not teach using a sequence of functional keys to initiate a function, one skilled in the art would not have been motivated to modify Soundararajan to initiate a function from the sequence of channel up or channel down commands. Rather, one would only have been motivated (at most) to modify Soundararajan to initiate a function from

entering a sequence of keys using alphanumeric keys. Thus, the combination fails to teach or suggest at least “provid[ing] the content of the selected channel through the output unit if the calculated degree for the selected channel does not satisfy the predetermined reference and a predetermined pattern of channel change inputs is received by the user input unit”, as claimed in claim 1.

For at least the reasons discussed above, Applicant submits that claim 1 is patentable over the Examiner’s proposed combination of Soundararajan, AAPA, and Yuen.

Claim 9

Claim 9 is a method claim consistent with the apparatus of claim 1. Applicant submits that claim 9 is allowable for reasons analogous to those discussed with respect to claim 1.

Claims 4 and 12

Applicant submits that claims 4 and 12 are allowable at least by virtue of their dependencies and for this additional reason.

With respect to claims 4 and 12, the Examiner asserts that it would have been obvious to modify the combined system of Soundararajan and AAPA to include any sequence or pattern of key entries to activate any function or any program, since the Applicant has not disclosed that the specific pattern of key sequences solves any stated problem or is of any particular purpose. Applicant respectfully disagrees.

The choice of the patterns “channel up - channel down - channel up” or “channel down - channel up - channel down” is not arbitrary. As stated in paragraph 43 of the specification, the pattern channel up-channel down-channel up allows the apparatus to determine that the user

wants to watch a channel that does not satisfy the predetermined reference for the preference degree and is between channel 13 and channel 38. The switching between the channels is an indication that the user wants to watch a channel between the two. As such, the particular claimed patterns are not arbitrary.

None of the cited references teach or suggest this feature of claims 4 and 12. Nor would one of ordinary skill in the art have been motivated to modify the cited references to produce this feature of claims 4 and 12. Therefore, Applicant submits that claims 4 and 12 are allowable.

Claims 7 and 15

Applicant submits that claims 7 and 15 are allowable at least by virtue of their dependencies and for this additional reason.

With respect to claims 7 and 15, the Examiner asserts that pressing a key a predetermined number of times is analogous to entering a sequence of keys and that it would be obvious to modify Soundararajan and AAPA to include this feature because the feature does not solve any particular problem. However, the continuous entry of the same input indicates that a user does not have a particular channel he wants to watch. (paragraph 43). The pattern is used as information of whether the user wants to watch channels other than those satisfying the reference. The input is related to the user's viewing behavior and is used as information about what the user wants to watch rather than being an arbitrary sequence of keys. As such, this particular pattern of channel change inputs is not arbitrary and one of ordinary skill in the art would not have been motivated to modify the Examiner's proposed combination of Soundararajan, AAPA, and Yuen to include this feature. Therefore, Applicant submits that claims 7 and 15 are allowable.

Claims 2, 5, 8-10, 13 and 16

Applicant submits that claims 2, 5, 8-10, 13 and 16 are allowable at least by virtue of their dependencies.

II. Rejection of Claims 3 and 11

Claims 3 and 11 currently stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Soundararajan (U.S. Patent Pub. No. 2003/0084448) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Yuen (U.S. Patent No. 5,488,409), and further in view of Wugofski (U.S. Patent Pub. No. 2003/0056216).

Applicant submits that Wugofski fails to cure the deficiencies of the combination of Soundararajan, AAPA, and Yuen discussed above with respect to claims 1 and 9. Therefore, Applicant submits that claims 3 and 11 are allowable at least by virtue of their dependencies.

III. Rejection of Claims 6 and 14

Claims 6 and 14 currently stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Soundararajan (U.S. Patent Pub. No. 2003/0084448) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Yuen (U.S. Patent No. 5,488,409), and further in view of Taylor (U.S. Patent Pub. No. 2005/0278648).

Applicant submits that Taylor fails to cure the deficiencies of the combination of Soundararajan, AAPA, and Yuen discussed above with respect to claims 1 and 9. Therefore, Applicant submits that claims 6 and 14 are allowable at least by virtue of their dependencies.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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